

Article I, Sections 2 and 4, of the Constitution place in the Congress the power and the duty to protect by appropriate laws elections for office under the Government of the United States. With respect to elections for state and local office, the Fifteenth Amendment to the Constitution provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude. And the Fourteenth Amendment prohibits any state from making or enforcing laws which abridge the privileges and immunities of citizens of the United States and from denying to any person the equal protection of the laws. The courts have held that these prohibitions operate against election laws which discriminate on account of race, color, religion or national origin.

To implement these provisions of the Constitution Congress passed many years ago a voting statute, 42 U.S.C. 1971 (R.S. 2004), which provides that all citizens shall be entitled and allowed to vote at all elections, state or federal, without distinction based upon race or color. It was the duty of Congress under the Constitution and its amendments to pass legislation giving full protection to the right to vote and undoubtedly it was the intent of Congress to provide such protection by passing 42 U.S.C. 1971.

